

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER HIRAM CANO,

: Plaintiff, : 22-CV-10557 (JLR) (OTW)

: -against- :
CITY OF NEW YORK, et al.,

ORDER

: Defendants.
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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of *pro se* Plaintiff's letter, dated May 5, 2024, but filed June 5, 2024. (ECF 45). The 22-page letter contains at least two motions: (1) Plaintiff's motion for Judge Rochon's recusal from this action (*see id.* at 1–3, 21), and (2) Plaintiff's motion for a temporary restraining order ("TRO") (*see id.* at 2, 12, 17, 21). Plaintiff asserts that she "is currently incarcerated at the Men's facility [and] she is going to be subjected to further irreparable harm if the Courts do not provide a temporary restraining order." *Id.* at 2. Plaintiff seeks a TRO "restraining the defendants from housing the Plaintiff in [] restrictive confinement units or violent gang units because of her transgender status" and ordering Defendants to "rehouse the Plaintiff in either Transgender Housing Unit (T.H.U.), Protective Custody (P.C.) or Mental Health Housing Unit at the Female Facility." *Id.* at 12, 17.

Defendants are directed to respond to ECF 45 by **Tuesday, June 18, 2024**.

In the Court's April 26, 2024 Order, the Court directed Plaintiff to file her proposed supplement to her complaint, together with her opposition to Defendants' motion to dismiss (ECF 31) no later than Friday, May 24, 2024. (ECF 44). The Court cautioned that "[f]ailure to do so may result in the Court deeming: (1) the motion to dismiss unopposed,

and (2) Plaintiff's motion to supplement her complaint withdrawn." *Id.* at 3. ECF 45 appears to contain Plaintiff's "Motion for Leave to File Supplemental Complaint" (see *id.* at 4), along with a "Supplemental Complaint." *Id.* at 5–13. The Court will construe these pages as Plaintiff's supplement to her complaint. However, ECF 45 does not appear to contain Plaintiff's opposition to Defendants' motion to dismiss. Because Plaintiff is *pro se* and incarcerated, and it is unclear whether she received the Court's April 26, 2024 Order (ECF 44), Plaintiff will be given **one last opportunity** to file an opposition brief to Defendants' motion to dismiss. (ECF 31). Plaintiff shall file her opposition, if any, **no later than Friday, July 12, 2024**. Failure to do so **will** result in the Court deeming the motion to dismiss unopposed.

Defendants are directed to serve a copy of this Order, the motion to dismiss, and ECF 44 on *pro se* incarcerated Plaintiff, and file proof of service on the docket.

SO ORDERED.

Dated: June 13, 2024
New York, New York

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge